United Nations S/2008/472

Security Council

Distr.: General
22 July 2008

Original: English

United Kingdom of Great Britain and Northern Ireland: draft resolution

The Security Council

Recalling its resolutions 1796 (2008) and 1740 (2007),

Reaffirming the sovereignty, territorial integrity and political independence of Nepal and its ownership of the implementation of the Comprehensive Peace Agreement and subsequent agreements,

Recalling the signing on 21 November 2006 by the Government of Nepal and the Communist Party of Nepal (Maoist) of a Comprehensive Peace Agreement, and the stated commitment of both parties to find a permanent and sustainable peace and commending the steps taken to date to implement the Agreement,

Acknowledging the strong desire of the Nepalese people for peace and the restoration of democracy and the importance in this respect of the implementation of the Comprehensive Peace Agreement and subsequent agreements by the relevant parties,

Expressing its continued readiness to support the peace process in Nepal in the timely and effective implementation of the Comprehensive Peace Agreement and subsequent agreements, in particular the 25 June Agreement, as requested by the Government of Nepal,

Welcoming the successful conclusion of the Constituent Assembly elections on 10 April 2008, and the progress made by the parties since the formation of the Constituent Assembly in working towards a democratic government, including the decision made at the first session of the Constituent Assembly to establish Nepal as a federal democratic republic,

Welcoming the prospect of the formation of a democratically elected government and institutions in Nepal,

Echoing the Secretary-General's call for all parties in Nepal to move forward swiftly in the implementation of the agreements reached; and *noting* the Secretary-General's assessment that the United Nations Mission in Nepal (UNMIN) will be well placed to assist in the management of arms and armed personnel in accordance with the 25 June Agreement between the political parties; and recognizing UNMIN's willingness to assist the parties in this, as requested, in order to achieve a durable solution,

Welcoming the report of the Secretary-General of 11 July on the United Nations Mission in Nepal (UNMIN), in accordance with his mandate,

Welcoming the completion of two phases of the verification process and continuing assistance with the management of arms and armed personnel of both sides in accordance with resolution 1740 (2007) and in line with the provisions of the Comprehensive Peace Agreement, *noting* the importance of a durable long-term solution in helping to create the conditions for completion of UNMIN's activities and noting also in this regard the need to address outstanding issues, including the release of minors in cantonment sites and continued reporting on this issue as required under resolution 1612 (2005),

Noting with appreciation that with the successful holding of the Constituent Assembly elections, some of the elements of the mandate relating to UNMIN as set out in resolution 1740 (2007) have already been accomplished,

Taking note of the Government of Nepal's letter to the Secretary-General of 8 July (S/2008/476, annex), which recognizes UNMIN's contribution and requests an extension of UNMIN at a smaller scale to carry out the remainder of the mandate for six months,

Recognizing the need to pay special attention to the needs of women, children and traditionally marginalized groups in the peace process, as mentioned in the Comprehensive Peace Agreement and resolution 1325 (2000),

Recognizing that civil society can play an important role in democratic transition and conflict prevention,

Expressing appreciation for the efforts of the Secretary-General's Special Representative and his team in UNMIN, and the United Nations Country Team, including the Office of the High Commissioner for Human Rights which is monitoring human rights at the request of the Government, and *stressing* the need for coordination and complementarity of efforts between the mission and all the United Nations actors in the mission area, particularly in order to ensure continuity, as the mandate comes to an end,

1. *Decides* in line with the request from the Government of Nepal and the Secretary-General's recommendations, to renew the mandate of UNMIN as established under resolution 1740 (2007) until 23 January 2009, taking into account the completion of some elements of the mandate, the ongoing work on the monitoring and the management of arms and armed personnel in line with the 25 June Agreement among the political parties, which will support the completion of the peace process;

2. *Calls upon* all parties to take full advantage of the expertise and readiness of UNMIN, within its mandate, to support the peace process to facilitate the completion of outstanding aspects of UNMIN's mandate;

3. *Concurs* with the Secretary-General's view that the current monitoring arrangements should not be necessary for a substantial further period and expects to see them concluded within the period of this mandate;

4. *Endorses* the Secretary-General's recommendations for a phased, gradual, drawdown and withdrawal of UNMIN staff, including arms monitors;

5. *Requests* the Secretary-General to keep the Security Council informed of progress towards implementation of this resolution and to submit a report on this and the implications for UNMIN no later than 31 October 2008;

6. *Calls upon* the Government of Nepal, to continue to take the necessary decisions to create conditions conducive to completion of UNMIN's activities by the end of the current mandate, including through implementation of the 25 June Agreement, in order to facilitate UNMIN's withdrawal from Nepal;

7. *Calls upon* all parties in Nepal to work together in a spirit of cooperation, consensus and compromise in order to continue the transition to a durable long-term solution to enable the country to move to a peaceful, democratic and more prosperous future;

8. *Requests* the parties in Nepal to take the necessary steps to promote the safety, security and freedom of movement of UNMIN and associated personnel in executing the tasks defined in the mandate;

9. *Decides* to remain seized of the matter.

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Security Council

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Letter dated 18 July 2008 from the Permanent Observer of Palestine to the United Nations addressed to the President of the Security Council

I have the honour to request that, in accordance with its previous practice, the Security Council invite the Chargé d'affaires a.i. of the Permanent Observer Mission of Palestine to the United Nations to participate in the meeting of the Security Council which is to be held on Tuesday, 22 July 2008, regarding the situation in the Middle East, including the Palestinian question.

(*Signed*) Riyad **Mansour**
Ambassador
Permanent Observer

08-43380 (E) 220708

United Nations S/2008/474

Security Council

Distr.: General
21 July 2008

Original: English

Letter dated 21 July 2008 from the Permanent Representative of Thailand to the United Nations addressed to the President of the Security Council

Upon the instruction of my Government and with reference to the letter dated 18 July 2008 from the Permanent Representative of the Kingdom of Cambodia addressed to you concerning Thai-Cambodia relations (S/2008/470), I have the honour to inform you as follows:

1. The Kingdom of Thailand has always attached great importance to the cordial relations with the Kingdom of Cambodia, which is her close neighbour and family member of the Association of Southeast Asian Nations (ASEAN). As in all regions of the world, it is not unusual for countries sharing a long common border to have border/boundary issues between them, and Thailand and Cambodia are no exceptions. However, through friendly bilateral consultations and negotiations, every past challenge had been resolved amicably, a fact which underlines the depth and strength of relations between our two countries. It is in this spirit and with this conviction that the Royal Thai Government approaches the issue regarding the area adjacent to the Temple of Preah Vihear. From the beginning, the Royal Thai Government has been determined to seek a just and peaceful solution to this challenge through the existing bilateral consultative frameworks on the basis of friendship, goodwill and cooperation that have long existed between our two Governments and peoples.

2. Consistent with the above spirit, the Prime Ministers of both Thailand and Cambodia have already pledged the utmost restraint and expressed their conviction to resolve the issue through existing bilateral consultations and negotiations. As the first step, the special session of the Thai-Cambodian General Border Committee (GBC) was convened in Sa Kaeo Province of Thailand on Monday, 21 July 2008, the result of which has eased tensions and allowed the situation in the area to remain calm. Both sides have also agreed to hold further talks and the report of the GBC is now being scrutinized by the Prime Ministers of the two countries. Meanwhile, both Prime Ministers have also expressed their wish to convene, as soon as possible, the Thailand-Cambodia Joint Boundary Commission (JBC) in order to accelerate its work of surveying and demarcating the entire stretch of the Thai-Cambodian border so that similar problems will not arise in the future to affect the cordial relations between our two countries and so that the peoples on both sides of the border can enjoy the full benefit of cooperation and prosperity.

08-43193 (E) 220708

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3. The aforementioned position has received a clear and unanimous support from ASEAN, of which both Thailand and Cambodia are members. In a statement by the ASEAN Chair dated 20 July 2008, ASEAN Foreign Ministers expressed their hope that, through the bilateral talks, Thailand and Cambodia will find a way to defuse the situation, and offered facilities to be placed at the disposal of the two countries concerned. Thailand welcomes the ASEAN Chair's statement calling for ASEAN solidarity and the early resolution of the issue.

4. Nevertheless, the Royal Thai Government is obliged to provide an account of facts on certain specific issues referred to in the above letter from the Permanent Representative of Cambodia as follows:

(a) Regarding the issue of the area of "Keo Sikha Kiri Svara Pagoda" referred to in the above letter from the Permanent Representative of Cambodia, it should be noted that the area adjacent to the Temple of Preah Vihear, where the said Pagoda is situated, is part of Thailand's territory. Thailand's position in this regard is fully consistent with the judgment of the International Court of Justice (ICJ) of 15 June 1962 in the *Case Concerning the Temple of Preah Vihear*, which Thailand has fully and duly implemented;

(i) Cambodia's territorial claim in this area is based on Cambodia's unilateral understanding of the said ICJ judgment that a boundary line was determined by the Court in that judgment. Thailand contests this unilateral understanding since the ICJ ruled in this case that it did not have jurisdiction over the question of land boundary and did not in any case determine the location of the boundary between Thailand and Cambodia. In addressing the final submissions of Cambodia at the end of the oral proceedings calling for pronouncements on the legal status of the "Annex I map", which was mentioned in the above letter from the Permanent Representative of Cambodia, and the frontier line in the disputed region, the ICJ stated that the said submissions "can be entertained only to the extent that they gave expression to grounds and not as claims to be dealt with in the operative provisions of the judgment" (*Case Concerning the Temple of Preah Vihear* (Cambodia v. Thailand) (Merits) ICJ Reports 1962, p. 36). Taking into account article 59 of the Statute of the ICJ and the fact that the issue before the ICJ in this case was limited solely to the question of the sovereignty over the region of the Temple of Preah Vihear, the boundary line claimed by Cambodia has no legal status from the judgment;

(ii) Thus, the location of boundary line in the area adjacent to the Temple of Preah Vihear is still to be determined by both countries in accordance with international law. In 2000, Thailand and Cambodia signed the Memorandum of Understanding on the Survey and Demarcation of Land Boundary and established a Joint Boundary Commission (JBC) to be responsible for the said survey and demarcation of the entire stretch of the common land boundary. A fact sheet regarding the overlapping territorial claims of Thailand and Cambodia in the area of the Temple of Preah Vihear is attached herewith (see annex I);

(iii) It is within this context that Thailand has made repeated protests (i.e. 10 April 2008, 17 May 2007, 8 May 2005 and 25 November 2004) regarding the presence of the "Keo Sikha Kiri Svara Pagoda" and other structures as well as that of Cambodian settlers and military personnel in the area. The four

protests were made in particular on the basis of article 5 of the 2000 Memorandum of Understanding mentioned above, under which both sides agreed not to carry out any work resulting in changes of environment of the frontier zone, pending the survey and demarcation of the common land boundary. To date, no action has been undertaken by Cambodia to address Thailand's concerns, protests and requests;

(b) Regarding the inscription of the Temple of Preah Vihear on the World Heritage List on 7 July 2008, as unilaterally proposed by the Kingdom of Cambodia, attention should be drawn to the statement by the Minister for Foreign Affairs of Thailand at the thirty-second session of the United Nations Educational, Scientific and Cultural Organization (UNESCO) World Heritage Committee in Quebec City, Canada, on 7 July 2008. The said statement unequivocally put on the record Thailand's objection, observations and reservations on the issue concerned. Among other things, as a State party to the 1972 World Heritage Convention, the Royal Thai Government reaffirms her right to apply article 11 (3), which stipulates that the inclusion of a property situated in a territory, sovereignty or jurisdiction over which is claimed by more than one State, will in no way prejudice the rights of the party to the dispute. Thus, the inscription of the Temple of Preah Vihear on the World Heritage List shall in no way prejudice Thailand's rights regarding her territorial integrity and sovereignty as well as the survey and demarcation of land boundary in the area and Thailand's legal position. A copy of the said statement is attached (see annex II).

5. In conclusion, the Royal Thai Government reiterates her firm conviction that the present challenge shall be resolved amicably through friendly bilateral consultations and negotiations within the relevant bilateral frameworks established by both countries, and on the basis of goodwill, the principle of good neighbourliness, the long-standing friendship between the two countries and the spirit of ASEAN solidarity that has underpinned this regional organization since its inception.

I have the honour to request that the text of the present letter and its annexes be circulated as a document of the Security Council.

(*Signed*) Don **Pramudwinai**
Ambassador
Permanent Representative of the Kingdom of Thailand
to the United Nations

Annex I to the letter dated 21 July 2008 from the Permanent Representative of Thailand addressed to the President of the Security Council

Fact sheet: overlapping territorial claims of Thailand and Cambodia in the area of the Temple of Preah Vihear

1. There is currently an area adjacent to the Temple of Preah Vihear that is subject to overlapping territorial claims of Thailand and Cambodia. The location of the boundary line in this area is therefore still to be determined by both countries in accordance with international law[1].

2. In this area, the territorial claim of Thailand is an assertion of what Thailand[2] considers to be territory under Thailand's sovereignty after due implementation of the Judgment of the International Court of Justice (ICJ) of 15 June 1962 in the *Case Concerning the Temple of Preah Vihear*.

3. Cambodia's territorial claim in this area relies on a boundary line that appears to be presented as legally binding upon the two States, based on Cambodia's unilateral understanding of the said ICJ Judgment[2]. Thailand contests this unilateral understanding since the ICJ ruled in the said Judgment that it did not have jurisdiction over the question of land boundary, and did not in any case determine the location of the boundary between Cambodia and Thailand (details as attached). Taking into account Article 59 of the Statute of the ICJ and the fact that the issue before the ICJ in this case was limited solely to the question of the sovereignty over the region of the Temple of Preah Vihear, the boundary line claimed by Cambodia has no legal status from the Judgment.

[1] On 14 June 2000, the two countries concluded the Memorandum of Understanding between the Government of the Kingdom of Thailand and the Government of the Kingdom of Cambodia on the Survey and Demarcation of Land Boundary. Work under this MOU is ongoing.

[2] Aide-Mémoire, dated 11 April 2008, from the Ministry of Foreign Affairs and International Cooperation of the Kingdom of Cambodia to Royal Thai Embassy, Phnom Penh.

The International Court of Justice did not address the question of land boundary in the *Case Concerning the Temple of Preah Vihear*[1]

I. The Court ruled that it did not have jurisdiction over the question of land boundary;

In both its Application[2] and Memorial[3], Cambodia submitted to the Court to

> "adjudge and declare, whether the Kingdom of Thailand appears or not:
>
> (1) that the Kingdom of Thailand is under an obligation to withdraw the detachments of armed forces it has stationed since 1954 in the ruins of the Temple of Preah Vihear;
>
> (2) that the territorial sovereignty over the Temple of Preah Vihear belongs to the Kingdom of Cambodia."[4]

The above submissions of Cambodia determined the limits of the jurisdiction of the Court. The Court, in its Judgment of 26 May 1961 (Preliminary Objections), stated that the case was a dispute about territorial sovereignty[5]. The Court further confirmed its scope of jurisdiction in its Judgment of 15 June 1962 (Merits):

> "In its Judgment of 26 May 1961, by which it upheld its jurisdiction to adjudicate upon the dispute submitted to it by the Application filed by the Government of Cambodia on 6 October 1959, the Court described it; the following terms the subject of the dispute:
>
> > "In the present case, Cambodia alleges a violation on the part of Thailand of Cambodia's territorial sovereignty over the region of the Temple of Preah Vihear and its precincts. Thailand replies by affirming that the area in question lies on the Thai side of the common frontier between the two countries, and is under the sovereignty of Thailand. This is a dispute about territorial sovereignty."
>
> Accordingly, the subject of the dispute submitted to the Court is confined to a difference of view about sovereignty over the region of the Temple of Preah Vihear."[6]

During the merits phase, attempts were made by Cambodia to extend the scope of the dispute before the Court to include the question of the frontier line between Thailand and Cambodia[7]. However, this was not accepted by the Court, as confirmed by the following statement:

> "Adhering finally to the Submissions presented at the end of the oral proceedings, the Court, for the reasons indicated at the beginning of the present Judgment, finds that Cambodia's first and second Submissions, calling for pronouncements on the legal status of the Annex I map and on the

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[1] *Case Concerning the Temple of Preah Vihear (Cambodia v. Thailand); (Preliminary Objections)*, ICJ Reports 1961, pp. 17-36; *(Merits)*, ICJ Reports 1962, pp. 6-38

[2] Application dated 30 September 1959, Pleadings, Oral Arguments, Documents, *Case Concerning the Temple of Preah Vihear (Cambodia v. Thailand) 1962*, Vol. 1, p.15

[3] *Ibid.*, p. 118-119

[4] *Case Concerning the Temple of Preah Vihear (Cambodia v. Thailand)(Merits)*, ICJ Reports 1962, p. 9

[5] *Case Concerning the Temple of Preah Vihear (Cambodia v. Thailand)(Preliminary Objections)*, ICJ Reports 1961, pp. 22

[6] *Case Concerning the Temple of Preah Vihear (Cambodia v. Thailand)(Merits)*, ICJ Reports 1962, p. 14

[7] Submissions read at the hearing of 5 March 1962, and Submissions, entitled Final Submissions, read at the hearing of 20 March 1962, *Case Concerning the Temple of Preah Vihear (Cambodia v. Thailand) (Merits)*, ICJ Reports 1962, pp. 10-11. In response, Thailand asked the Court not to entertain, *inter alia*, Cambodia's claim regarding the frontier line as it was "put forward too late", *Case Concerning the Temple of Preah Vihear (Cambodia v. Thailand) (Merits)*, ICJ Reports 1962, p. 11.

frontier line in the disputed region, can be entertained only to the extent that they give expression to grounds, and not as claims to be dealt with in the operative provisions of the Judgment."[10]

II. The Judgment did not determine the location of the boundary between Cambodia and Thailand

In the operative provisions of the Judgment, the Court did not address the question of the boundary line in anyway but limited itself to three other questions submitted to it by Cambodia. The only operative findings of the Court are:

"(a) The Temple of Preah Vihear is situated in territory under the sovereignty of Cambodia;
(b) Thailand is under an obligation to withdraw any military or police forces, or other guards or keepers, stationed by her at the Temple, or in its vicinity on Cambodian territory; and
(c) Thailand is under an obligation to restore to Cambodia any objects of the kind specified in Cambodia's fifth Submission which may, since the date of the occupation of the Temple by Thailand in 1954, have been removed from the Temple or the Temple area by the Thai authorities."[11]

At the outset of the Judgment, after stating that the Court is confined to the question of the sovereignty over the region of the Temple of Preah Vihear, it added:

"To decide this question of territorial sovereignty, the Court must have regard to the frontier line between the two States in this sector. Maps have been submitted to it and various considerations have been advanced in this connection. The Court will have regard to each of these only to such extent as it may find in them reasons (emphasis added) for the decision it has to give in order to settle the sole dispute submitted to it, the subject of which has just been stated."[12]

The Court underlined subsequently in the Judgment that it addressed the questions of maps and frontier line merely as

"*grounds* (emphasis added) on which the Court bases its decision"[13].

In addition, as mentioned previously, in addressing the Final Submissions of Cambodia at the end of the oral proceedings calling for pronouncements on the legal status of the Annex I map and on the frontier line in the disputed region, the Court stated that the said Submissions

"can be entertained only to the extent that they give expression to grounds (emphasis added), and not as claims to be dealt with in the operative provisions of the Judgment."[14]

It is further evident that the Court did not address the issue of the boundary line for the fact that, for the Court, it was

"unnecessary to consider whether, at Preah Vihear, the line as mapped does in fact correspond to the true watershed line in this vicinity, or did so correspond in 1904-1908, or if not, how the watershed line in fact runs."

Had the question of the boundary line been before the Court, it would have been necessary to deal with this issue.

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[10] *Case Concerning the Temple of Preah Vihear (Cambodia v. Thailand) (Merits)*, ICJ Reports 1962, p. 34
[11] *Ibid.*, pp. 36-37
[12] *Ibid.*, p. 14
[13] *Ibid.*, p. 35
[14] *Ibid.*, p. 36

III. Consequently, the location of the land boundary is still to be determined in accordance with international law

a) Notification of compliance by Thailand:

On 6 July 1962, Thailand notified its decision to comply with Judgment of the Court by the official note from the Minister of Foreign Affairs of Thailand No (0801) 2223/92505 to the Secretary-General of the United Nations.

b) Thai-Cambodia 2000 MOU:

The precise location of the boundary line is still to be determined through the process of joint surveying and demarcation by Thailand and Cambodia in accordance with Article 1 of the Memorandum of Understanding between the Government of the Kingdom of Thailand and the Government of the Kingdom of Cambodia on the Survey and Demarcation of Land Boundary. This task has been entrusted to the Thailand-Cambodia Joint Committee on Demarcation for Land Boundary (JBC). Pending the demarcation of the land boundary, both countries agree that "to facilitate the effective survey along the entire stretch of the common land boundary, authorities of either Government and their agents shall not carry out any work resulting in changes of environment of the frontier area, except that which is carried out by the Joint Technical Sub-Commission in the interest of the survey and demarcation"[1].

[1] Memorandum of Understanding between the Government of the Kingdom of Thailand and the Government of the Kingdom of Cambodia on the Survey and Demarcation of Land Boundary, Article V

Annex II to the letter dated 21 July 2008 from the Permanent Representative of Thailand to the United Nations addressed to the President of the Security Council

Statement by His Excellency Mr. Noppadon Pattama, Minister for Foreign Affairs of Thailand and head of the Thai delegation to the thirty-second session of the World Heritage Committee

Quebec City, Canada
7 July 2008

Madame Chairperson,
Distinguished Members of the World Heritage Committee,
Ladies and Gentlemen,

It is my great honour to lead the Thai delegation to attend the 32nd Session of the World Heritage Committee in this beautiful Quebec City.

With regard to the decision just adopted by the Committee, Thailand wishes to put on record her objection and the following observations and reservations, based on the drawbacks and shortcomings of the various qualifications necessary for the complete status of the World Heritage Site as appeared in the ICOMOS' evaluations of the cultural properties.

In addition to the unresolved border disputes of the area surrounding the Temple of Preah Vihear, Thailand cannot support the decision. Thailand wishes to point out that the decision is not practical because any subsequent action or measure to be taken by Cambodia or any third party in the area adjacent to the Temple of Preah Vihear, which is Thai territory cannot be carried out without Thailand's consent. As a state party to the 1972 World Heritage Convention, Thailand reaffirms her full rights to apply the article 11 (3) which stipulates that the inclusion of a property situated in a territory, sovereignty or jurisdiction over which is claimed by more than one state will in no way prejudice the rights of the party to the dispute.

Thailand reaffirms her protest and objection to any document submitted by Cambodia for the inscription of the Temple of Preah Vihear as a World Heritage site, particularly the Experts Technical Report and the flawed Progress Report in which Thailand was not fully engaged and from which was compelled to dissociate herself. Thailand wants to note to the World Heritage Committee that a practical management plan of the Temple of Preah Vihear will not be complete without Thailand's cooperation.

Thailand regrets that the World Heritage Committee has overlooked the fact that she is a major stakeholder and ignored the possibility for her to nominate the surrounding areas with features pertinent to the outstanding universal value of Preah Vihear Temple as a World Heritage site so that the full values of this property and its landscape setting can be realised. Therefore, Thailand reiterates her intention to nominate other features of the Temple located in her territory for World Heritage status so that the values of this property and its landscape setting can be fully realized. In this connection, we ask the Committee for its favourable consideration of Thailand's intention.

In short, Thailand is obliged to object the decision to inscribe the Temple of Preah Vihear on the World Heritage list, as unilaterally proposed by Cambodia and on the basis of incomplete integrity.

On behalf of the Thai delegation, I wish to reassure the World Heritage Committee that this inscription issue is but a single issue in the overall relations between Thailand and Cambodia. The Government of Thailand will continue to work closely with the Government of Cambodia to further their cooperation for the mutual benefit of the two countries and peoples.

In the end, I wish to reaffirm Thailand's reservations of her rights as contained in the Note dated 6 July 1962 from the Minister of Foreign Affairs of the Kingdom of Thailand to the Acting Secretary-General of the United Nations. The inscription of the Temple of Preah Vihear on the World Heritage list shall in no way prejudice Thailand's rights regarding her territorial integrity and sovereignty as well as the survey and demarcation of land boundary in the area and Thailand's legal position.

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Letter dated 21 July 2008 from the Permanent Representative of Cambodia to the United Nations addressed to the President of the Security Council

With reference to my previous letter, dated 18 July 2008, concerning Thailand's violation of the sovereignty and occupation of the territory of the Kingdom of Cambodia, I have the honour to further bring to your kind attention the following update of the situation.

With the utmost patience and goodwill, the Cambodian delegation headed by General Tea Banh, Deputy Prime Minister and Minister of National Defence, held extensive discussions with the Thai delegation headed by General Boonsrang Niumpradit, Supreme Commander of the Royal Thai Armed Forces Headquarters in the framework of the Cambodian-Thai General Border Committee on 21 July 2008 in Thailand.

During the meeting, the Cambodian side proposed the withdrawal of both Thai and Cambodian soldiers from Keo Sikha Kiri Svara pagoda in Cambodia's territory and offered to set up a village at a new location for the Cambodian villagers who have been living in the market area near the Temple of Preah Vihear and build facilities for them of international standard. These proposals represent the maximum concession that Cambodia can make with goodwill in order to settle the crisis peacefully.

Regrettably, Thailand imposed the condition to have the rights to border claims and in the meantime built up its military presence with artillery and tanks along the border. These constitute an extremely grave threat to the sovereignty and territorial integrity of Cambodia as well as to peace and stability in South-East Asia.

Considering the above and in order to prevent the escalating situation leading to imminent armed conflict, I have the honour to ask you to convene an urgent meeting of the United Nations Security Council with the participation of Hor Namhong, Deputy Prime Minister and Minister for Foreign Affairs and International Cooperation of the Kingdom of Cambodia, in order to address the above-mentioned issue, which is a grave threat to peace and security in the region.

(*Signed*) Kosal **Sea**
Ambassador and Permanent Representative of the Kingdom
of Cambodia to the United Nations

08-43367 (E) 220708

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Letter dated 22 July 2008 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to the letter dated 8 July 2008 from the Chargé d'affaires a.i. of the Permanent Mission of Nepal to the United Nations (see annex), in which he requests an extension of the mandate of the United Nations Mission in Nepal for an additional six months from the date of the expiration of its current mandate on 23 July 2008.

I should be grateful if you would bring the letter to the attention of the members of the Security Council.

(*Signed*) **Ban** Ki-moon

08-43351 (E) 220708

Annex

Letter dated 8 July 2008 from the Chargé d'affaires a.i. of the Permanent Mission of Nepal to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to convey to you and through you to the United Nations sincere gratitude on behalf of the Government and people of Nepal for the support and facilitation provided through the United Nations Mission in Nepal (UNMIN) to our nationally driven peace process. With the successful holding of the Constituent Assembly elections on 10 April 2008 and the declaration of the Federal Democratic Republic of Nepal by the Constituent Assembly at its first session, we have now embarked upon a new era of consolidation of peace, democratic stabilization and an inclusive approach to economic development in the country. We are committed to accelerate the task of nation-building within a democratic political framework, with the support of the international community.

As we look back, we are pleased to note that with the successful holding of the Constituent Assembly elections, some of the mandates relating to UNMIN as laid down in Security Council resolution 1740 (2007) have already been accomplished.

The remainder of the mandate relates to the ongoing work of monitoring the management of arms and army personnel in line with the agreement among political parties and assisting in implementing the agreement on the management of arms and army personnel pursuant to their understanding. In view of the further evolution of the situation in the country towards the successive consolidation of the peace process and the understanding among the political parties to take this process forward to its logical conclusion, the Government of Nepal would like to request of the United Nations the continuation of UNMIN, at a smaller scale, to engage in the remainder of its mandate for another period of six months from the date of expiry of its current mandate on 23 July 2008.

(*Signed*) Madhuban P. **Paudel**
Chargé d'affaires a.i.

United Nations S/2008/477

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Letter dated 21 July 2008 from the Secretary-General addressed to the President of the Security Council

Pursuant to Security Council resolution 1244 (1999), I have the honour to convey the attached report on the international security presence in Kosovo covering the period from 1 to 30 April 2008 (see annex).

I should be grateful if you would bring it to the attention of the members of the Security Council.

(*Signed*) **Ban** Ki-moon

08-43549 (E) 240708

Annex

Letter dated 8 July 2008 from the Secretary-General of the North Atlantic Treaty Organization addressed to the Secretary-General

In accordance with paragraph 20 of Security Council resolution 1244 (1999), I attach a report on the operations of the Kosovo Force covering the period from 1 to 30 April 2008. I would appreciate your making this report available to the members of the Security Council.

(*Signed*) **Jaap de Hoop Scheffer**

Enclosure

Monthly report to the United Nations on the operations of the Kosovo Force

1. This report covers the period from 1 to 30 April 2008.

2. As at 30 April 2008, the total number of troops in theatre was 15,508. This number includes 2,128 troops from non-NATO countries.

3. The Azerbaijan contingent, one light infantry platoon stationed in Multinational Task Force South, was withdraw from theatre on 9 April 2008. The Georgian contingent, one light infantry company and one light infantry platoon also stationed in Multinational Task Force South, was withdrawn from theatre from 14 to 16 April 2008.

Political situation

4. NATO Heads of State and Government met in Bucharest from 2 to 4 April 2008. The Summit declaration reiterates the commitment of NATO to stay the course in Kosovo under Security Council resolution 1244 (1999), as well as its readiness to play its part in the implementation of future security arrangements in Kosovo.

Security situation

5. On 1 April 2008, an explosion resulting from a landmine detonation occurred near Pristina Airport, killing one Kosovo Albanian.

6. On 2 April 2008, the first Russian aircraft loaded with humanitarian aid for Kosovo Serbs landed in Belgrade. Three more similar aircraft arrived successively on 4, 6 and 10 April 2008. On 22 April 2008, three Serbian Red Cross trucks carrying Russian humanitarian food and medical supplies escorted by one United Nations vehicle entered Kosovo via Gate 3 Podujevo, and unloaded the aid items in various Serb enclaves, including Gracanica, Lipljan, Plamentina, Strpce and Mitrovica. On 30 April 2008, four more trucks transporting the latest shipment of Russian humanitarian aid entered Kosovo. All trucks left Kosovo via Gate 1.

7. The former Prime Minister of Kosovo and ex-KLA commander, Ramush Haradinaj, was acquitted by the International Tribunal for the Former Yugoslavia on 3 April 2008. Between 150 and 1,000 Kosovo-Albanian supporters celebrated the verdict in Istok, Pec, Decani, Cabra, Pristina, Gnjilane, Vitina and Prizren.

8. On 5 April 2008, unknown suspects threw hand grenades at a Kosovo-Albanian house in South Mitrovica. No injuries were reported.

9. On 15 April 2008, a Serbian Ministry of the Interior patrol and an unknown number of Kosovo-Albanians were involved in a shooting incident in the vicinity of Gate 2 (Multinational Task Force Centre), most likely linked to illegal criminal activities on the Serbian side of the border. Serbian forces requested a joint KFOR/Serbian Armed Forces reconnaissance of the area on 16 April 2008.

10. On 20 April 2008, a hand grenade exploded in a Kosovo-Albanian kiosk in Pec. No injuries were reported.

11. On 22 April 2008, approximately 30 Muslim Albanian gravestones were damaged by unknown persons in Gnjilane. An investigation led by the Kosovo Police Service is ongoing.

12. The President of Serbia, Boris Tadic, visited Decani and Pec during Orthodox Easter on 26 April 2008. He entered Kosovo through Gate 3 escorted by United Nations vehicles. Together with the Serbian Minister for Kosovo and Metohija, Slobodan Samardzic, he attended an evening mass in Decani Monastery.

13. During the reporting period, there was no significant violence or threat against the Kosovo Force (KFOR).

14. A total of 497 incidents related to drugs (14), counterfeit currency or documents (46), smuggling (46), explosions (6), miscellaneous criminal incidents (107), illegal weapons possession (110), weapons and ammunition seizures (34), and unexploded ordnance (134) were reported during April, compared to a total of 474 in the previous month.

KFOR operations

15. Although generally calm, the operational tempo remained high in the area of responsibility of Multinational Task Force North, where 17 KFOR manoeuvre companies were deployed. Daily demonstrations in North Mitrovica and in Serbian enclaves in the south continued without incident. KFOR conducted high-visibility operations throughout Kosovo. KFOR also continued to monitor visits by high-ranking Serbian officials to Kosovo. Open sources reported that, on 18 April 2008, paramilitary groups were patrolling a contested zone along the border with the former Yugoslav Republic of Macedonia,[1] near the village of Debalde. In response, KFOR increased the number and frequency of its patrols along the Kosovo side of the border to deter non-compliant groups and smuggling activities. On 29 April 2008, the United Kingdom formally authorized the deployment of its Operational Reserve Force, scheduled to deploy on 29 May 2008 for a period of one month, replacing a German/Austrian Operational Reserve Force battalion that has been deployed since 15 March.

Compliance

16. There was no meeting of the Disciplinary Board in April 2008 on compliance with the statement of principles of the KFOR Commander and UNMIK Regulation 1999/8.

Kosovo Protection Corps

17. No recruitment campaign for the Kosovo Protection Corps (KPC) was conducted in April 2008.

18. The current active personnel establishment is 2,878. There are 179 active ethnic minority members, amounting to 6.2 per cent of the total force. The total percentage of ethnic minority representation in KPC remains the same as in March 2008. The percentage of minority representation in KPC still falls short of the goal of the Special Representative of the Secretary-General and there are still 113 vacant minority posts to be filled on the active list. The reserve list totals 2,000 positions,

[1] Turkey recognizes the former Republic of Macedonia with its constitutional name.

of which 1,892 are filled, 48 of these by ethnic minorities (2.45 per cent), the same figure as in March.

19. Fire-fighting training in April included a series of seminars at different levels; collective training exercises for KPC staff and units; simulation exercises; a command post exercise and a "table top" exercise in preparation for a Kosovo-wide exercise to be conducted from 26 to 30 May 2008. The latter is designed to practise and test emergency response measures in support of the civilian population in the event of an emergency.

20. During the month of April 2008, there were 17 ceremonies involving 245 KPC members. No incidents were reported.

Conclusion

21. Since the violence of 17 March in Mitrovica North, the security situation has been calm in Kosovo. KFOR, however, remains on a high state of readiness and will continue to support UNMIK in maintaining a safe and secure environment throughout Kosovo. KFOR will respond adequately to any attempts to disrupt stability, regardless of where they come from.

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Security Council

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Letter dated 22 July 2008 from the Permanent Representative of Thailand to the United Nations addressed to the President of the Security Council

With reference to my letter to you dated 21 July 2008 (S/2008/474) providing accounts of fact regarding Thailand-Cambodia relations, and the subsequent letter of the Permanent Representative of the Kingdom of Cambodia to you dated 21 July 2008 requesting an urgent meeting of the Security Council on the matter (S/2008/475), I have the honour to inform you of the following:

1. The Kingdom of Thailand once again reiterates her position of attaching great importance to cordial relations with the Kingdom of Cambodia, which is her close neighbour and family member of the Association of Southeast Asian Nations (ASEAN). Thailand is convinced that, through friendly bilateral consultations and negotiations, the current challenge, like every other past challenge, can be resolved amicably on the basis of the friendship, goodwill and sincere cooperation that have long existed between our two Governments and peoples. With this in mind, Thailand has exercised utmost restraint and has been taking effective measures to ensure that the issue is resolved amicably between the two brotherly countries.

2. The process of bilateral consultations has just started. The first step began on 21 July 2008 in Sa Kaeo Province of Thailand under the General Border Committee, headed by high-level representatives from both countries. The meeting has resulted in easing the tension, and both sides agreed to continue this process of bilateral consultations and further talks would be held. Among the issues discussed and preliminarily agreed to by negotiators during the said General Border Committee meeting and being considered by both Governments are:

2.1 Redeployment of both sides' respective military personnel from the Temple of Preah Vihear and the area surrounding the Keo Sikha Kiri Svara pagoda as soon as possible;

2.2 Joint demining in the area to be surveyed and demarcated by the Joint Boundary Commission for survey and demarcation work of the Commission;

2.3 Confirmation by the Cambodian side that it will develop a new site for the Cambodian community currently living in the area so as to facilitate the survey and demarcation in the area by the Joint Border Commission;

2.4 Setting up of a Temporary Coordinating Task Force comprising respective agencies concerned of both sides to address any problems related to the area.

Attention should be called to the fact that the Prime Ministers of the two countries have also expressed their conviction to resolve the issue through friendly bilateral consultations and have also called for an early meeting of the Joint Border Commission, which is a joint mechanism established by both countries. As in every other case around the world, consultations and negotiations are a process, not an event, and they require good faith, perseverance and patience by the parties concerned. Thailand is committed to ensuring the success of this process.

3. The aforementioned bilateral process has continued to receive clear and unanimous support from ASEAN, of which both Thailand and Cambodia are members. In a statement by the ASEAN Chair dated 20 July 2008, ASEAN Foreign Ministers expressed their hope in the bilateral talks between the two countries, and offered facilities to be placed at the disposal of the two countries concerned. In a statement dated 22 July 2008, the Minister for Foreign Affairs of Singapore, who is currently the Chair of the ASEAN Standing Committee, following his consultations with ASEAN Foreign Ministers, said: "Both Cambodia and Thailand reiterated that they were committed to a peaceful resolution of the issue and assured me that the General Border Committee would continue to meet, and that the next meeting would be held in the near future." He also said, "there was also a general view that the bilateral process should be allowed to continue" and "the ASEAN Foreign Ministers remain seized of the issue, and I have requested Cambodia and Thailand to provide an update at the next Informal ASEAN Ministerial Meeting in New York". The informal ministerial meeting is scheduled to be held in September 2008. A copy of the said statement is attached herewith as annex I.

4. Attention should also be drawn to the letter dated 22 July 2008 from the Minister for Foreign Affairs of Singapore, in his capacity as ASEAN Chair, addressed to the Minister for Foreign Affairs of Cambodia and copied to all ASEAN Foreign Ministers and the ASEAN Secretary-General, conveying the message referred to in the paragraph above. The letter also stipulates: "I assure you that the ASEAN Foreign Ministers are fully mindful that how this issue is handled will greatly affect ASEAN's credibility. They also emphasised to me that if the parties concerned are too quick to resort to the United Nations Security Council, this would do harm to ASEAN's standing and may actually make the resolution of the issue more difficult." A copy of the letter is attached herewith as annex II.

5. Despite the commencement of the bilateral process and a clear expression of the wish and desire of all parties concerned that this process should be allowed to continue, Thailand could not help being perplexed by the letter from the Permanent Representative of Cambodia dated 21 July 2008 requesting an urgent meeting of the Security Council on this matter. The said letter came hours after the ASEAN Chair statement dated 20 July 2008 and the first meeting of the General Border Committee on 21 July 2008. One can only wonder why Cambodia has resorted to this course of action with such great haste.

6. In conclusion, Thailand reiterates her firm conviction that the present challenge shall and can be resolved amicably through friendly bilateral consultations and negotiations within the relevant bilateral frameworks established by both countries, and on the basis of goodwill, good faith, the principle of good-neighbourliness, long-lasting friendship between the two countries and the spirit of ASEAN solidarity that has underpinned this regional organization since its inception.

I have the honour to request that the present letter and its annexes be circulated as a document of the Security Council.

(*Signed*) Don **Pramudwinai**
Ambassador
Permanent Representative of the Kingdom of Thailand
to the United Nations

Annex I to the letter dated 22 July 2008 from the Permanent Representative of Thailand to the United Nations addressed to the President of the Security Council

Statement by the Minister for Foreign Affairs of Singapore

22 July 2008

I held informal discussions on 22 July 2008 with ASEAN Foreign Ministers to discuss the latest developments in the Preah Vihear issue. Both Cambodia and Thailand reiterated that they were committed to a peaceful resolution of the issue and assured me that the General Border Committee would continue to meet, and that the next meeting would be held in the near future.

The ASEAN Foreign Ministers had earlier offered ASEAN's facilities at the disposal of Cambodia and Thailand as they recognized the importance of maintaining peace and stability in the region. There was a proposal for an ASEAN Contact Group to help support the efforts of Thailand and Cambodia to find a peaceful resolution to the issue. The proposal found favour with a number of Foreign Ministers, but there was also a general view that the bilateral process should be allowed to continue, and there is still no consensus for the formation of such a group.

The ASEAN Foreign Ministers remain seized by the issue, and I have requested Cambodia and Thailand to provide an update at the next Informal ASEAN Ministerial Meeting in New York.

Thailand and Cambodia gave the assurance that they would exercise utmost restraint and resolve the issue amicably in the spirit of ASEAN solidarity and good-neighbourliness. Both sides also reiterated that they would handle the situation in accordance with their ASEAN and international obligations.

Annex II to the letter dated 22 July 2008 from the Permanent Representative of Thailand to the United Nations addressed to the President of the Security Council

1. I refer to your letter dated 21 July 2008 informing me of the situation between Thailand and Cambodia, and seeking Singapore's assistance as ASEAN Chair to form an ASEAN Contact Group to find a peaceful resolution to the matter.

2. The ASEAN Foreign Ministers were briefed by both Cambodia and Thailand over dinner on 20 July 2008, during which both sides were urged to exercise utmost restraint and resolve the matter amicably in the spirit of ASEAN solidarity and good-neighbourliness. Recognizing the importance of maintaining peace and stability in the region, the ASEAN Foreign Ministers offered ASEAN's facilities at the disposal of Cambodia and Thailand, in the event that they felt the need for further support to find an early resolution to the issue.

3. I undertook informal consultations with the ASEAN Foreign Ministers and representatives today. Both Cambodia and Thailand reiterated that they were committed to a peaceful resolution of the issue and assured me that the General Border Committee would continue to meet, and that the next meeting would be held in the near future.

4. The proposal for an ASEAN Contact Group found favour with a number of Foreign Ministers, but there was also a general view that the bilateral process should be allowed to continue, and there is still no consensus for the formation of such a group. As the ASEAN Foreign Ministers continue to be seized by the issue, I requested Cambodia and Thailand to provide an update at the next Informal ASEAN Ministerial Meeting in New York.

5. I assure you that the ASEAN Foreign Ministers are fully mindful that how this issue is handled will greatly affect ASEAN's credibility. They also emphasized to me that if the parties concerned are too quick to resort to the United Nations Security Council, this would do harm to ASEAN's standing and may actually make the resolution of the issue more difficult.

(*Signed*) George **Yeo**

cc All ASEAN Foreign Ministers
Secretary-General of ASEAN